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Attorney Docket A-036 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Ebrahim, Nabila G.
Jeffrey A. Trogolo et. al.)	
	:	Group Art Unit: 1618
Application No.: 10/032,370)	
	:	
Filed: December 21, 2001)	Conf. No. 5277
	:	
For: High Aspect Ratio Encapsulated Inorganic	:	
Antimicrobial Additive for Controlled Release)	

STATUS REQUEST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please advise the undersigned of the status of the above-referenced pending patent application. The last update to this record in PAIR is one dated April 3, 2008 indicating that the Response had been forwarded to the Examiner. The reality is that Applicant's response was filed on June 26, 2007 -- over 14 months ago -- and still no action.

As a little history, on June 21, 2007, the undersigned submitted, via facsimile filing, a Request for Continued Examination and formal response to the Final Rejection of February 8, 2007 together with an accompanying §132 Affidavit of Dr. Trogolo. The latter document included a graph of the data presented in the affidavit.

On or about June 27, 2007, a Notice of Non-Compliant Amendment was issued indicating that the Response filed on June 21, 2007 included a drawing that was not properly marked and/or identified. Immediately upon becoming aware of the Notice of Non-Compliant Amendment, the undersigned called the Legal Instruments Examiner (LIE) to inquire of the basis for the notice since no amended or substitute drawings were included. The undersigned learned that the LIE mistakenly thought the graph accompanying the §132 Affidavit was to be added to the specification. The undersigned advised the LIE that the graph only pertained to the Affidavit. Consequently, on July 10, 2007, a Notice of Withdrawal of Non-Compliant Amendment was issued and the documents were indicated as having been forwarded to the Examiner.

In late September and early October 2007, I had left several messages on Examiner Ebrahim's voice mail seeking the status of the application inasmuch as several months had passed without action. In mid October, I receive a telephone call from Examiner Ebrahim

Status Request 9.8.08